

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF NURSING

IN THE MATTER OF THE
LICENSE OF

GWENDOLYN THOMAS, L.P.N.
License # 26NP03472900

TO PRACTICE NURSING IN THE
STATE OF NEW JERSEY

Administrative Action

**FINAL ORDER
OF DISCIPLINE**

This matter was opened to the New Jersey State Board of Nursing ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Gwendolyn Thomas ("Respondent") is a Licensed Practical Nurse (LPN) in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. On or about September 27, 2014,¹ a letter of inquiry issued on behalf of the Board, asking Respondent, inter alia, to provide information concerning charges of Causing/Attempting Bodily Injury and Resisting Arrest brought on May 25, 2013, and asking for documentation concerning continuing education courses completed during the last three years.

¹ Although the body of the Provisional Order stated that the letter was issued on September 27, 2014, the exhibit attached to the Provisional Order shows that the letter was issued on September 27, 2013.

3. The letter of inquiry was sent to Respondent's address of record by certified and regular mail.² The certified mailing was returned, unclaimed.³ The regular mailing was not returned. No response was received.

4. Respondent indicated on her 2014 renewal application that she would have completed all required continuing education for the June 1, 2012 – May 31, 2014 licensing period by May 31, 2014.⁴

CONCLUSIONS OF LAW

Respondent's failure to respond to a Board inquiry constitutes a failure to cooperate with a Board investigation in violation of N.J.A.C. 13:45C-1.2 and 1.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e).

Respondent's failure to provide documentation of continuing education for the 2012-2014 licensing cycle is interpreted as a failure to timely complete required continuing education in violation of N.J.A.C. 13:37-5.3, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e) and (h).

Respondent's indication on her renewal application that she would complete all required continuing education by May 31, 2014, followed by her failure to provide

² Although the body of the Provisional Order stated that the letter of inquiry was mailed to Respondent's address of record, the exhibit attached to the Provisional Order shows that the letter had Respondent's address of record correctly typed on the first page of the letter, but the envelope was typed with the incorrect city and zip code and hence was not mailed to Respondent's address of record.

³ Although the body of the Provisional Order stated that the certified mailing was returned as "unclaimed," the exhibit attached to the Provisional Order shows that the certified mailing was returned as "no such street, unable to forward" because it had been mailed to the incorrect city and zip code.

⁴ Although the body of the Provisional Order stated that Respondent had indicated on her 2014 renewal that she had completed all the required continuing education, the exhibit attached to the Provisional Order shows that Respondent indicated that she had NOT completed the required continuing education.

documentation of the required continuing education, is interpreted as misrepresentation in violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline seeking a suspension, reprimand, and seven hundred and fifty dollars (\$750) in civil penalties was entered on August 15, 2014. Copies were mailed to Respondent via regular and certified mail. Due to an administrative error, however, the address included the wrong city and zip code. Both copies were returned with the notation "no such street, unable to forward." Board records were re-checked and it was determined that Respondent had recently updated ~~and~~ changed her address. The Provisional Order was re-mailed, via certified and regular mail, to Respondent's new address of record. The regular mail was not returned. The receipt for the certified mail was signed upon delivery on September 23, 2014. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the thirtieth day following entry unless Respondent requested a modification or dismissal of the stated findings of fact and conclusions of law by setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent replied to the Provisional Order of Discipline by providing a disposition showing that the criminal charges were dismissed on May 12, 2014. Respondent also provided certificates of completion for the following continuing education:

0 hours within the June 1, 2012 – May 31, 2014 biennial period; and

30 hours within the June 1, 2014 – May 31, 2016 current biennial period.

Respondent may apply the 30 hours recently completed to cure the deficiency of her previous biennial period, but those same 30 hours may not also be used to satisfy the requirements of the current biennial period. Respondent shall complete another 30 hours of continuing education prior to May 31, 2016 to satisfy the requirements of the current biennial period.

The Board reviewed the Provisional Order and Respondent's submissions and determined that modification was warranted. Regarding the issue of failure to cooperate, the Board finds that an administrative error prevented Respondent from receiving the original letter of inquiry and that imposition of discipline for Respondent's failure to cooperate by providing a response to that letter is wholly unwarranted. Additionally, Respondent, in reply to the Provisional Order, has provided the bulk of the information requested in the letter. As such, the Board determined that the suspension and the five hundred dollar (\$500) civil penalty that had been based upon failure to cooperate were not warranted. Regarding continuing education, Respondent did not complete the required continuing education within the June 1, 2012 – May 31, 2014 biennial period, and for that, a two hundred and fifty dollar (\$250) civil penalty is warranted. However, Respondent did not engage in misrepresentation on her 2014 renewal application and therefore, a reprimand is not warranted. Respondent truthfully acknowledged that she had not completed the required 30 hours of continuing education and that she had not completed the required one hour course on Organ and Tissue Donation. Lastly, as Respondent cured the deficiency in her continuing education, suspension is no longer warranted on that basis either.

ACCORDINGLY, IT IS on this 18th day of May 2015

ORDERED that:

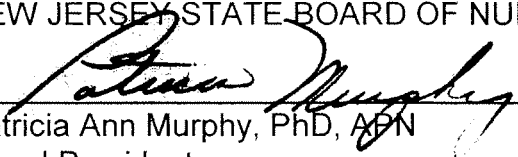
1. A civil penalty in the amount of two hundred and fifty dollars (\$250) is imposed for failing to timely complete continuing education within the June 1, 2012 – May 31, 2014 biennial period the violation of N.J.A.C. 13:37-5.3. Payment shall be made by certified check, bank cashier check, or money order payable to "State of New Jersey," or by wire transfer, direct deposit, or credit card payment delivered or mailed to George Hebert, Executive Director, State Board of Nursing, P.O. Box 45010, Newark, New Jersey 07101. Any other form of payment will be rejected and will be returned to the party making the payment. Payment shall be made no later than twenty-one (21) days after the date of filing of this Final Order of Discipline. In the event Respondent fails to make a timely payment, a certificate of debt shall be filed in accordance with N.J.S.A. 45:1-24 and the Board may bring such other proceedings as authorized by law.

2. Continuing education completed after May 31, 2014 and applied to cure the deficiency of a previous period, namely the 30 hours completed in September 2014, shall not also be used to satisfy the requirements of the current biennial period. Respondent shall complete an additional 30 hours of continuing education, including the required one hour course on Organ and Tissue Donation, prior to May 31, 2016.

3. The Board reserves the right to initiate further proceedings based upon the response provided by Respondent and upon any other information received.

NEW JERSEY STATE BOARD OF NURSING

By:


Patricia Ann Murphy, PhD, APN
Board President